THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24718 OF 1998

DATED: 15-03-2007

Between :

1. Sainni Boyina Laxmi Narasamma
   and 6 others. ... Petitioners

And

1. The District Collector, Nellore.,
   And 2 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.24718 OF 1998

ORDER :

The petitioners, who claim to be agricultural labourers and landless poor have been in occupation of small extents of Government land situated in Sy.No.2 and Sy.No.58/1 of Tatipalli Village, Rapur Mandal, Nellore District. Having made the said land fit for cultivation, they have been raising dry crops and their possession has also been shown in the revenue records. It is stated that having regard to their possession and enjoyment they made applications to the Revenue Divisional Officer requesting for grant of pattas in their favour in respect of the lands in their occupation. While their request was under consideration, the respondents attempted to dispossess them from the land in question on the ground that the said land is required for rehabilitation of the displaced persons of Pokurupalli, Tanamcharla Villages which were submerged under Telugu Ganga Project. Aggrieved by the said action of the respondents, the present writ petition is filed.

It is contended by the petitioners that for the purpose of rehabilitation of the residents of the submerged villages an extent of Ac.7-29 cents of assigned land situated in Sy.Nos.60 & 61 of Tatipalli Village was already resumed by the Mandal Revenue Officer by proceedings dated 18-7-1998 and as such there is no need for acquiring any further land. It is also contended that as a matter of fact on a representation made by the petitioners herein along with one Seethamma, the District Collector, Nellore vide endorsement dated 4-

12-1997 directed the officials not to dispossess the petitioners and to exclude the land in their occupation from the proposed resumption of Government Lands for the purpose of rehabilitation centre. In spite of the same, the respondents were interfering with their possession and attempted to lay a road through their lands.

This Court while directing Rule Nisi, by order dated 2-9-1998 ordered Status Quo to be maintained.

However, no counter-affidavit has been filed by any of the respondents so far.

In the circumstances, I do not find any justifiable reason to disbelieve the version of the petitioners as to their possession and enjoyment of the land in question. If that be so, even if the said land is required for any public purpose, the petitioners cannot be dispossessed without following due process of law.

Accordingly, the Writ Petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question in any manner whatsoever without following due process of law. No costs.

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G. ROHINI, J.

Dt. 15-3-2007

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